

FISCAL NOTE

HB 2248 - SB 2191

March 18, 2007

SUMMARY OF BILL: Increases the penalty for elder abuse from a Class A misdemeanor to a Class E felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$145,000 / Incarceration*

Decrease Local Govt. Revenues – Not Significant

Decrease Local Govt. Expenditures – Not Significant

(Funding of \$145,000 is included in the Governor's FY07-08 Recommended Budget)

Assumptions:

- Elder abuse is punishable as a Class A misdemeanor under Tenn. Code Ann. § 71-6-117 or as felony aggravated assault under Tenn. Code Ann. § 71-6-119, depending on the severity of the offense.
- According to the Administrative Office of the Courts (AOC), there has been an average of three convictions of elder abuse per year, based on FY05 & FY06, and one admission to the Department of Correction (DOC) in FY06.
- According to AOC, a total of 12 elder abuse offenses have been sentenced as misdemeanors in the state courts over the past five years. DOC estimates 20 convictions for elder abuse in all courts. According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth will result in two additional offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 22 offenders serving 0.3 years.
- Twenty-two persons will be convicted of a Class E felony of elder abuse and will serve 0.3 years (109.58 days). According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The additional operating cost for 22 offenders in the tenth year is \$145,031.26 (\$6,592.33 x 22).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible, and "W." in the middle.

James W. White, Executive Director